

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA**

DONALD MOELLER,	:	
	:	
Plaintiff,	:	
v.	:	
	:	
DOUGLAS WEBER, Warden,	:	Civ. 04-4200
South Dakota State Penitentiary,	:	
	:	
DENNIS KAEMINGK, Acting Secretary	:	RESPONSE TO
in His Official Capacity as	:	MOTION FOR PRODUCTION
Secretary of Corrections,	:	
	:	
DOES 1-20, Unknown Employees or	:	
Agents of South Dakota Dep't	:	
of Corrections	:	
Defendants.	:	
	:	

The Arkansas Federal Public Defender Office hereby submits the following Response to Defendants’ Motion for Production of Sealed Word Files from the AFPDO. (Motion, Doc. 418.) The Defendants request that the “AFPDO [] produce an electronic file of each of the sealed pleadings ordered to be reviewed and redacted by the court.” *Id.* The Defendants submit that their motion covers “only the pleadings or exhibits for which the AFPDO has Microsoft Word files.” *Id.*

The Arkansas Federal Public Defender Office has no Microsoft Word documents for any pleadings. The Arkansas Federal Public Defender Office keeps its archived files in .PDF format. However, the Defendants concerns about “inadvertent disclosures” can be allayed by utilizing a tool in Adobe software that allows a .PDF document to be searchable in the same way a Microsoft Word document is searchable.¹ By creating a searchable .PDF document, the Defendants should easily be

¹ On the Adobe toolbar, a user can click on **Document > OCR Text Recognition > Recognize Text Using OCR > All Pages** to make the document searchable. In the event counsel is using a different Adobe Acrobat version, Adobe created a user-friendly video tutorial to assist

able to “run searches for terms, like the manufacturer/supplier’s name” as requested in the instant motion.

Wherefore, the Arkansas Federal Public Defender Office respectfully requests that the Defendants’ Motion for Production of Sealed Word Files from the AFPDO be denied.

Dated in Little Rock, Arkansas, this 17th day of December, 2012.

Respectfully Submitted,

JENNIFFER HORAN
FEDERAL DEFENDER

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 17th day of December, 2012, a copy of the foregoing Response was served via the CM/ECF electronic filing system upon Assistant Attorneys General Paul Swedlund, Craig Eichstadt, Gary Campbell, and Sherri Sundem Wald, Attorney General’s Office, 1302 E. Highway 14, #1, Pierre, South Dakota, 57501, attorney Mark Marshall, and Robert Doody of the ACLU, .

By: /s/ Scott W. Braden
Scott W. Braden

in creating a searchable PDF file:
<http://tv.adobe.com/watch/acrobat-x-tips-tricks/quick-tip-how-to-create-a-searchable-pdf-file/>